

Service Date: September 7, 2001

DEPARTMENT OF PUBLIC SERVICE REGULATION
BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MONTANA

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IN THE MATTER OF QWEST)	UTILITY DIVISION
CORPORATION, Application for)	
Authority to Introduce 711 Service)	DOCKET NO. D2001.7.96
Deployment for the Speech and)	
Hearing Impaired)	ORDER NO. 6362a

PROCEDURAL ORDER

On July 26, 2001, Qwest Corporation (Qwest) filed before the Public Service Commission (PSC) an application for approval of tariffs related to implementation of 711 service in Qwest's Montana service territory. 711 service is abbreviated (three-digit) access to telecommunications relay service (TRS) for the speech and hearing impaired. Qwest proposes that costs of the 711 service be recovered through rates charged to the TRS contract provider in Montana, which is Sprint Communications Company, LP (Sprint). On August 2, 2001, Sprint intervened in the matter, objecting to Qwest's proposed costs and proposed means of cost recovery, and requesting further proceedings.

Sprint requests that a protective order be issued by the PSC so that Sprint can access Qwest's underlying cost information, which is confidential. Access to confidential information related to Qwest's 711 application is already governed by Qwest's generic protective order (*PSC Docket No. N2000.8.119, Order No. 6270, September 20, 2000, as modified by Order No. 6270a, February 8, 2001*). Relevant to Qwest's 711 rate application the protective order, including as modified, essentially provides that certain information (e.g., cost studies) will be treated as confidential and access to such information will be governed by the PSC's protective order rules (*ARM 38.2.5001 through 38.2.5030*).

Sprint also objects to Qwest recovering costs entirely from Sprint. Sprint suggests that such recovery is not in accordance with the Federal Communication Commission's (FCC) order applying to 711 service, which order provides that wireline carriers, such as Qwest, "may properly include the costs and recover those costs from the rates charged for intrastate and interstate services, separated pursuant to the [FCC's] jurisdictional separation rules." *See, para. 44, Second Report and Order, FCC CC Docket No. 92-105, Use of N11 Codes ... (July 21, 2000)*. The PSC views this as a threshold legal question.

The following will be the preliminary procedures governing this matter. The PSC will issue additional procedural orders as it becomes clear what additional procedures are necessary:

a. September 18, 2001: final day for Sprint to request necessary information from Qwest (e.g., cost studies relevant to Qwest implementation of 711 service). The requests should be in the form of data requests. To prevent delays, Sprint should proceed in accordance with the PSC's protective order rules, including through preparation of necessary nondisclosure agreements and communications with Qwest in advance of the request for information.

b. September 25, 2001: final day for Qwest and Sprint to file simultaneous initial briefs on the issue of whether Qwest's proposal to recover 711 costs from Sprint is the recovery of 711 costs "from the rates charged for intrastate and interstate services, separated pursuant to the [FCC's] jurisdictional separation rules" in compliance with para. 44, FCC's Second Report and Order, *supra*.

c. October 2, 2001: final day for Qwest to provide the information requested by Sprint (*see para. a, above*).

d. October 9, 2001: final day for Qwest and Sprint to file simultaneous response briefs on the question of cost recovery (*see para. b, above*).

e. October 16, 2001: final day for Sprint to advise the PSC and Qwest regarding whether it will dispute the cost studies which serve as the basis for Qwest's proposed rates.

Done and dated this 5th day of September, 2001, by delegation to PSC staff as an Order of the PSC.

BY THE MONTANA PUBLIC SERVICE COMMISSION

GARY FELAND, Chairman
JAY STOVALL, Vice Chairman
BOB ANDERSON, Commissioner
MATT BRAINARD, Commissioner
BOB ROWE, Commissioner

NOTE: Any interested party may request the Commission to reconsider this decision. A motion to reconsider must be filed within ten (10) days. See 38.2.4806, ARM.

CERTIFICATE OF SERVICE

I hereby certify that a copy of a PROCEDURAL ORDER, ORDER NO. 6362a, issued in D2001.7.96 in the matter of Qwest Corporation - Tariff Transmittal 01-21 - 711 Services Deployment dated September 5, 2001 has today been served on all parties listed on the Commission's most recent service list, created 8/3/01, by mailing a copy thereof to each party by first class mail, postage prepaid.

Date: August 7, 2001

Rachel Thompson
For The Commission